

**North Andover Conservation Commission Meeting Minutes
July 13, 2016**

Members Present: Louis A. Napoli, Chairman, Albert P. Manzi, Vice Chairman, Joseph W. Lynch, Jr., John T. Mabon, Deborah A. Feltovic.

Members Absent: Sean F. McDonough, Douglas W. Saal.

Staff Member Present: Jennifer A. Hughes, Conservation Administrator.

Pledge of Allegiance

Meeting came to Order at: 7:01PM Quorum Present.

Approval of Minutes of 6/8/16

- A motion to accept the meeting minutes of 6/8/16 as drafted and reviewed is made by Mr. Manzi, seconded by Ms. Feltovic
- Vote unanimous.

Small Project

NACC#176, 139 Osgood Street (Crawford)

- The applicant Donna Crawford is present.
- The Administrator presents the proposal to remove an existing patio and replace with a larger stone paver patio.
- The commission reviews the plan and photos.
- Mr. Manzi makes a motion to consider the proposal a small project F. Mr. Mabon seconds the motion.
- Vote: unanimous
- Mr. Manzi makes a motion to approve the project as proposed with special conditions for erosion control, pre and post construction inspections and wetland marker at the existing edge of lawn. Mr. Mabon seconds the motion.
- ***Documents:***
 - *Application Checklist-Small Project*
 - *Small Project Procedures*
 - *Copy of Town Check*
 - *Narrative of work proposed*
 - *Site Plan prepared by Crawford Residence dated June 22, 2016*
 - *Photos prepared by the North Andover Conservation Department dated June 27, 2016*

Request for Determination of Applicability

58 Glenwood Street (Sinaci) (cont. from 6/22/16)

- The applicant Marina Sinaci of 58 Glenwood Street is present.
- The Administrator states she has received a revised plan but the deck is shown below the level of the Base Flood Elevation. She is not sure that this is permissible.

- Mr. Manzi makes a motion to continue the matter to the 7/27/16 meeting to allow the Administrator time to speak with a FEMA representative. Ms. Feltovic seconds the motion.
- Vote unanimous.

642 Turnpike Street (Eastern Shed Company) (John Gilbert Dick Land Surveyor)

- The applicant Kevin Bartolotta of Eastern Shed Company is present.
- The Administrator presents the after-the-fact plan showing an expanded gravel parking area more than 25' from the BVW and display sheds placed outside of the 50' No-Build zone.
- Mr. Mabon asks about lot lines and other structures shown on the plan.
- Ms. Feltovic makes a motion to issue a negative #3 determination with a condition that the applicant install wetland markers at the stone wall/existing limit of vegetation. Mr. Manzi seconds the motion.
- Vote: unanimous

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *WPA Form 1-Request for Determination of Applicability*
- *General Information*
- *Project Description*
- *Signatures and Submittal Requirements*
- *Copy of Town Check*
- *Notification to Abutters Form*
- *Certified Abutters List prepared by the North Andover Assessors Department dated June 8, 2016*
- *USGS Map prepared by the North Andover Conservation Department dated May 9, 2016*
- *NHESP Map prepared by the North Andover Conservation Department dated May 9, 2016*
- *Field Sketch Plan prepared by John Gilbert Dick dated April 14, 2016*
- *Photos prepared by the North Andover Conservation Department dated July 13, 2016*

242-1681, 384 Osgood Street (DPW)(Linden Engineering Partners, LLC)(cont. from 6/22/16)

- Ray Santilli, Assistant Town Manager, presents the parking plan that was added to the newly revised plan.
- The Administrator addresses the DEP comment to reduce the size and impacts from the stone apron at the outlet pipe behind the building. She states she conditioned in the Order that the apron be 5' x 5' rather than 10' x 10'.
- Mr. Lynch agrees this should be conditioned.
- Mr. Mabon and Ms. Feltovic discuss the plantings which the Administrator states are cultivars of native species.
- Mr. Napoli asks about Phase II and the likelihood that the salt shed will be constructed.
- Mr. Santilli states it will be done and the site will be cleaned up as proposed.
- Mr. Santilli discusses the drive around the salt shed which will be one way. The existing gas tanks will not be impacted.
- Mr. Santilli discusses the commission's standard bond requirements. He states the contractor will be subject to a performance bond totaling 100% of the cost of the project. This is in

accordance with Chapter 149. There will also be an independent owner's monitor. An as build is required.

- Mr. Lynch states the language in the Order of Conditions should allow the commission to review the bond language and require that it reference the Order of Conditions.
- Mr. Santilli states the OOC will be made part of the bid specs.
- The commission states the bond should not be released until there is a certificate of compliance.
- Mr. Santilli states that he is aware a bond was required for the High School but that schools operate under different rules.
- Mr. Manzi states that the Chapter 149 language should be referenced in the OOC.
- Mr. Manzi makes a motion to approve the requested waiver. Ms. Feltovic seconds the motion.
- Vote: unanimous
- Mr. Manzi makes a motion to close the public hearing and issue a decision within 21 days Ms. Feltovic seconds the motion.
- Vote unanimous.

Documents:

- *Photos prepared by the North Andover Conservation Department dated June 20, 2016*
- *Overall Site Plan & Sheet Index prepared by Linden Engineering Partners, LLC dated May 27, 2016, revised dated June 14, 2016, revised dated June 21, 2016, revised dated June 30, 2016*

242-1682, 56 Candlestick Road (Martin) (Sullivan Engineering Group, LLC)

- John Sullivan of Sullivan Engineering Group, LLC is present.
- The Administrator presents that a roof infiltrator has been added to the plan as requested by the commission. A PCOC is on the agenda for this lot later in the meeting.
- Mr. Manzi makes a motion to close the public hearing and issue a decision in 21 days. The motion is seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Plot Plan of Land prepared by Sullivan Engineering Group, LLC dated June 8, 2016, revised June 23, 2016*

242-1685, Western Branch Railroad Mile Post 28.09 (Keolis Commuter Services, LLC) (PEER Consultants, P. C.)

- A representative of PEER Consultants, P. C. is present. David Gorden, project manager
- The administrator presents the proposal to replace two existing box culverts with smaller diameter round cement culverts. She states she has concerns about the filing related to the Riverfront performance standards and BLSF. She also states this should not be a limited project filing.
- Mr. Lynch discusses limited project. Mr. Lynch asks about alternatives including replacing the walls and roof deck.
- Mr. Manzi asks about the purpose of the project. The representative (Tom G.) states Keolis rated the culverts and this one was determined to have failed.
- Mr. Manzi asks why the roof deck only could not be replaced.

- The representative states that the entire structure was determined to have failed.
- The Administrator states concerns about filling in BLSF.
- Mr. Lynch asks if there are ways to fortify the existing structure. He too is concerned about wildlife passage and flooding.
- Mr. Manzi suggests outside peer review.
- Mr. Napoli states the railroad tracks predated GLSD so the culverts are not based on drainage from that site.
- Mr. Lynch states that the new pipe and fill around are the easiest and cheapest alternative but not an equivalent crossing. He states maybe several pipes in a row should be considered.
- The Administrator states she would also like to see DEP comments.
- The Peer Consultants representative asks that the commission's comments be summarized in an email to share with David Gorden the project manager.
- Ms. Feltovic makes a motion to continue the public hearing to July 27, 2016. Mr. Manzi seconds the motion.
- Vote: unanimous

- ***Documents:***

- *Application Checklist-Notice of Intent*
- *WPA Form 3-Notice of Intent*
- *General Information*
- *Other Applicable Standards and Requirements*
- *Additional Information*
- *Signatures and Submittal Requirements*
- *Applicant Information*
- *US Army Corp of Engineers New England District dated June 15, 2016*
- *Affidavit of Service prepared by PEER Consultants, P. C. dated June 30, 2016*
- *Notification to Abutters Form*
- *Certified Abutters List prepared by the North Andover Assessors Department dated May 10, 2016*
- *MESA Project Review Checklist Contact Information dated September 2014*
- *Project Description*
- *PEER Consultants, P. C. Culvert Repair*
- *Site Name MP28.09 and MP28.20 Culvert North Andover, MA*
- *Date: Photographs taken May 9, 2016*
- *Photo 1: View of upgradient side of MP28.09*
- *Photo 2: View of interior of MP28.09*
- *Photo 3: View of general track area at MP28.09*
- *Photo 4: View of interior of MP28.20*
- *Photo 5: View of railtop within MP28.20*
- *Culvert Plan prepared by PEER Consultants, P. C. dated June 17, 2016*

242-1684, Western Branch Railroad Mile Post 28.20 (Keolis Commuter Services, LLC) (PEER Consultants, P. C.)

- David Gorden of PEER Consultants, P. C. is present. (see summary above)

- ***Documents:***

- *Application Checklist-Notice of Intent*

- *WPA Form 3-Notice of Intent*
- *General Information*
- *Other Applicable Standards and Requirements*
- *Additional Information*
- *Signatures and Submittal Requirements*
- *Applicant Information*
- *US Army Corp of Engineers New England District dated June 15, 2016*
- *Affidavit of Service prepared by PEER Consultants P. C. dated June 30, 2016*
- *Notification Abutters Form*
- *Certified Abutters List prepared by the North Andover Assessors Department dated May 10, 2016*
- *MESA Project Review Checklist Contact Information dated September 2014*
- *Project Description*
- *PEER Consultants, P. C. Culvert Repair*
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- *Date: Photographs taken May 9, 2016*
- *Photo 1: View of upgradient side of MP28.09*
- *Photo 2: View of Interior of MP28.09*
- *Photo 3: View of general track area at MP28.09*
- *Photo 4: View of Interior of MP28.20*
- *Photo 5: View of railtop within MP28.20*
- *Culvert Plan prepared by PEER Consultants, P. C. dated June 17, 2016*

Abbreviated Notice of Resource Area Delineation

242-1683, 0 Osgood Street (Edgewood Retirement Community Company, Inc.)(MHF Design Consultants, Inc.) (cont. from 6/22/16)

- A motion to issue the ORAD is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.

General Business: 7:30PM

Weir Hill Lake Erosion Project 2016 (The Trustees of Reservation)

- Kevin Block is present to represent the Trustees of Reservations (TTOR).
- The Administrator reviews the issues with erosion in two locations. Work was previously done to repair erosion at two other sites.
- Mr. Block states TTOR will bring in stones at stump beach and place soil behind to repair the erosion. They will mat and plant the area with blueberry summer sweet and alder. In this location there is already a fence to protect the area. Signage will be added.
- Mr. Mabon asks if it is actually 30' of wall.
- Mr. Block estimates it is about that.
- Mr. Block reviews the plan for pebble beach. A fence will be added here. He states water access needs to be maintained or visitors will find other ways.
- Mr. Manzi asks if it will be a post and rail fence.
- The Administrator asks if additional erosion control will be needed in addition to the matting.

- Mr. Lynch asks if the area could be terraced.
- Mr. Block states terracing is not needed as this is very similar to their last project. The grade will meet the existing shoreline.
- Mr. Mabon motions to issue an Enforcement Order to allow the erosion repair to take place in accordance with the materials provided. Ms. Feltovic seconds the motion.
- Vote unanimous.

Documents:

- *Letter prepared by The Trustees of Reservation about Weir Hill Lake Erosion Project 2016*
- *Aerial Map showing Stump Beach and Pebble Beach dated March 2014*
- *Sketched Plan of Pebble Beach dated March 2014*
- *Sketched Plan of Stump Beach dated March 2014*
- *Photos dated July 13, 2016*

242-1663, COC Request, 70 Raleigh Tavern Lane (Soule) (Merrimack Engineering Services, Inc.) (cont. from 6/8/16)

- Ms. Feltovic motions to grant the request for a continuance to the July 27, 2016 meeting. Mr. Mabon seconds the motion.
- Vote unanimous.

Documents:

- *Letter prepared by Merrimack Engineering Services, Inc. request a Certificate of Compliance dated May 25, 2016*
- *WPA Form 8A-Request for Certificate of Compliance*
- *Copy of Town Check*
- *As Built Plan of Subsurface Disposal System prepared by Merrimack Engineering Services, Inc. dated November 12, 2015*

242-265A, PCOC Request, 43 Wintergreen Drive (Lot 9) (Law Office of Gregory V. Janian, LLC)

- The Administrator reviews the findings of the Field Inspector.
- A motion to issue the PCOC for 43 Wintergreen Drive (Lot 9) only is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter prepared by Law Office of Gregory V. Janian, LLC request for Partial Certificate of Compliance dated June 26, 2016*
- *Copy of Town Check*
- *WPA Form 8A-Request Partial Certificate of Compliance*

242-50, PCOC Request, 56 Candlestick Road (Martin) (Sullivan Engineering Group, Inc.)

- The Administrator states the existing conditions plan prepared for the Notice of Intent heard earlier tonight serves as the as-built for this filing. She recommends issuing the PCOC as requested.
- A motion to issue the PCOC for 56 Candlestick Road is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *WPA for Request for Partial Certificate of Compliance*
- *Copy of Town Check*
- *Photo prepared by the North Andover Conservation Department dated June 22, 2016*

242-700, 37 Bucklin Road (Lot 4) (Touchstone Closing & Escrow, LLC)

- A motion to issue the Partial Certificate of Compliance for 37 Bucklin Road (Lot 4) only is made by Ms. Feltovic, seconded by Mr. Manzi.
- Vote unanimous.
- ***Documents:***
- *Letter prepared by Touchstone Closing & Escrow, LLC request for Partial Certificate of Compliance dated June 24, 2016*
- *Copy Town Check*
- *WPA Form 8A-Request for Partial Certificate of Compliance*

Enforcement Order-146/148 Main Street (Smith/Sutton Pond Condominium Trust) (cont. from 6/22/16)

- The Administrator states a hearing with the Clerk Magistrate has been scheduled for July 21, 2016.
- Mr. Manzi suggests town counsel should assist the commission in this matter.
- Mr. Napoli states that if fines are not received by Friday then the commission should move forward with the hearing.
- A motion to grant the request for a continuance to the July 27, 2016 meeting is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.

Decisions

242-1681, 384 Osgood Street

- Administrator reviews the drafted Order of Conditions.
- The Commission accepts Order of Conditions as drafted and amended.
- A motion to accept the Order of Conditions as drafted and amended is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.

242-1682, 56 Candlestick Road

- Administrator reviewed the drafted Order of Conditions.
- The Commission accepts Order of Conditions as drafted.
- A motion to accept the Order of Conditions as drafted and amended is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.

A motion to adjourn the meeting at: 8:30 is made by Mr. Manzi seconded by Mr. Mabon. Vote unanimous.